

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

AVKO EDUCATIONAL RESEARCH
FOUNDATION, a Michigan
Corporation, and DONALD J.
MCCABE, author,

Plaintiffs,

v.

THOMAS A. MORROW, an individual,
WAVE 3 LEARNING, INC.;
HOME SCHOOL HOLDINGS, INC.,
and HOME SCHOOL, INC;

Defendants.

Case No.: 1:11-cv-13381-TLL-CEB
Honorable Thomas L. Ludington
Magistrate Charles E. Binder

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**DEFENDANT'S WAVE 3 LEARNING AND THOMAS MORROW'S
OBJECTION TO PLAINTIFF'S 1-25-12 PROPOSED ORDER
GRANTING PLAINTIFF'S MOTION TO AMEND IN PART
AND DENYING IN PART
(Pursuant to LR 58.1)**

NOW COMES Defendants Wave 3 Learning (W3L) and Thomas Morrow,
by and through their counsel, and hereby object to Plaintiff's proposed *Order*

Granting Plaintiff's Motion to Amend in Part and Denying in Part, (ECF # 61) and state the following:

A hearing was held on January 23, 2012 on Plaintiff's Motion to File First Amended Complaint (ECF # 43-48). Defendant agrees that the Court rejected Plaintiff's claim of Replevin as irrelevant to this matter, however, the Court also directed Plaintiff's counsel to pursue one theory of the case in order narrow the scope of this litigation. The proposed Amended Complaint pleads two theories; one under a theory of breach of contract and other a theory of copyright infringement, fraud in the inducement, and reliance-based damages. Plaintiff's proposed Order and the proposed First Amended Complaint do not reflect the direction of the Court.

THEREFORE, Defendants, object to the Entry of the Plaintiff's Order as proposed.

Respectfully submitted,

Dated: January 26, 2012

/John Di Giacomo/
TRAVERSE LEGAL, PLC
John Di Giacomo (P73056)
810 Cottageview Drive
Unit G-20
Traverse City, MI 49684

CERTIFICATE OF SERVICE

Documents:

- Defendant's Objection to 1-26-12 Plaintiff's (proposed) Order Granting Plaintiff's Motion to Amend in Part and Denying in Part

I hereby certify that on January 26, 2012, the referenced documents were electronically filed with the court and served via the courts' ECF system upon:

SUSAN PAYNE WOODROW
Attorney for Plaintiff
suzywoodrow@hotmail.com

and served via U.S mail upon;

Home School Holdings, Inc.
1153 So. Lee Street, Suite 198
Des Plaines, IL 60016

Home School, Inc.
1153 So. Lee Street, Suite 198
Des Plaines, IL 60016

Dated: January 26, 2012

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